

REMARKS

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 30-47 have been rejected in the Office Action. Claims 30, 36, and 42 have been amended, no claims have been canceled, and no new claims have been added in the Amendment. Accordingly, claims 30-47 are pending herein. Claims 30-47 are believed to be in condition for allowance and such favorable action is respectfully requested.

Rejections based on 35 U.S.C. § 103

Claims 30-32, 36-38, and 42-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild, et al. ("Rothschild" hereafter, U.S. Publication No. 2002/0016718) in view of Eldar, et al. ("Eldar" hereafter, U.S. Patent No. 7,290,011). Applicants respectfully traverse the rejection of the claims as hereinafter set forth.

Each of independent claims 30, 36, and 42 includes features directed to managing the transfer of studies from a study process server to a review station. Studies acquired at acquisition devices are provided to the study process server, which sorts the studies into a number of working sets. A subset of studies is selected from a working set and transferred from the study process server to a review station. The review station is then monitored to determine when a clinician begins to review the subset of studies from the working set at the review station. When clinician review of the subset of studies from the working set is detected at the review station, additional studies from that working set are transferred to the review station.

Rothschild and Eldar, either alone or in combination, fail to teach or suggest the features of sorting studies into working sets, sending only a subset of studies from a working set to a review station, monitoring for clinician review of the subset of studies from the working set

at the review station, and then transferring additional studies from that working set to the review station when physician review of the subset is detected at the review station as in independent claims 30, 36, and 42. Instead, Rothschild and Elder teach an all or nothing approach. In particular, the approaches discussed in the references include either: (1) pushing all images from a working set to a review station and caching the images at the review station; or (2) not pushing any images to a review station but instead sending the images to a review station upon the occurrence some event (e.g., upon login). As such, the references do not discuss the concept of selecting and sending only a subset of studies from a working set to a review station and then waiting to send additional studies from the working set to the review station until clinician review of the subset at the review station is detected.

Referring initially to Rothschild, as noted above, the reference discusses an all or nothing approach of either pushing all images or waiting for an event to cause images to be sent to a review station. The reference does not teach or suggest selecting a subset of studies from a working set, initially sending only the subset of studies to a review station, and sending additional studies when clinician review at the review station is detected. For the claimed features of selecting and initially sending only a subset of studies, the Office Action cites paragraphs [0242] and [0261] of Rothschild. These portions of Rothschild discuss a route request verifier that verifies whether a route is valid and marks for delivery only those files with a valid route. In other words, the cited portions determine whether particular images can be sent to specified users (e.g., using an allow or disallow list – see paragraph [0260]) and then only sends images that can be sent to verified users. Determining whether particular images can be sent to particular users as discussed in Rothschild is not selecting and sending only a subset of studies from a working set as in the independent claims. In particular, if a user is not authorized

to receive an image, the user will never receive that image. This is drastically different from the invention recited by the independent claims in which the review station (and reviewing user) may ultimately receive all images from a working set – first, the subset of studies and then the remaining studies from that working set when review of the subset is detected at the review station.

Eldar teaches an approach in which the system operates in an automatic mode and attempts to send all images to a review station. “The images are forwarded to users as they become available on an image archive storage device. This overcomes the requirement of users having to manually request the transmission of each individual image they would like to view.” *Eldar*, col. 2, lines 53-57. If a user attempts to view a particular image during the transfer process, that particular image will be retrieved and displayed. See, e.g., *Eldar*, Abstract; col. 2, line 58 – col. 3, line 11. Thus, the system in Eldar never identifies a subset of studies from a working set and transfers only that subset of studies to a review station while waiting for clinician review of those subset of studies before sending additional studies from that working set to the review station. Instead, Eldar specifically teaches away from that approach since it specifically teaches that images are forwarded to users as they become available such that the system in Eldar attempts to send all images. Only if the user requests a particular image during the transfer process is it that the transfer is interrupted in order to send the particular image the user wishes to view. If the user never requested that image during the transfer process, though, all images would be transferred as opposed to sending just a subset as in the independent claims.

The inventions of claims 30, 36, and 42 provide significant advantages over the approaches discussed in the cited references. In particular, the claimed inventions allow studies to be distributed from a central server to review stations in a manner that provides for immediate

access to a subset of the studies without creating excessive network traffic and consuming excessive memory resources. By providing a subset of studies from a working set to be readily available for review at a review station, a clinician may immediately begin reviewing the studies from the subset. Additionally, because only a subset of the studies from the working set are initially transferred (as opposed to all studies), excessive network traffic is avoided and excessive memory resources are not consumed. When a clinician begins reviewing the subset of studies from the working set at a review station, the system recognizes that the subset of studies from the working set are being reviewed and begins distributing other studies in the working set to the review station.

The references, either alone or combined, simply do not teach or suggest selecting and sending only a subset of studies from a working set to a review station and then waiting to send additional studies from the working set until review of that subset is detected at the review station.

Accordingly, Applicants respectfully submit that independent claims 30, 36, and 42 are patentable over the art of record. Dependent claims 31-35, 37-41, and 43-47 are also allowable for at least the reasons provided above.

Claims 33, 34, 39, 40, 45, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rothschild and Eldar and further in view of Cooke, Jr. et al. ("Cooke" hereafter, U.S. Patent No. 6,574,629). Claims 35, 41, and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rothschild and Eldar and further in view of Fuller (U.S. Publication No. 2005/0050552). Each of these claims depends from one of independent claims 30, 36, and 42 and is patentable over Rothschild and Eldar for at least the

reasons provided above. The addition of Cooke or Fuller fails to cure the deficiencies as the references also fail to teach or suggest the claimed features discussed above.

CONCLUSION

For at least the reasons stated above, claims 30-47 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jgolian@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/John S. Golian/

John S. Golian
Reg. No. 54,702

JSGZ/jc
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550